

55. The system of Claim 54, wherein a user can edit and/or annotate the certain portions of the visual information and captured voices and/or images.

### REMARKS

In response to the Examiner's final Office Action dated march 13, 1998, independent claims 21, 30, 39 and 47 have been amended to respectively include a synchronization limitation.

This amendment is made without prejudice and to reduce the issues under appeal. It should, therefore, be entered under 37 C.F.R. 1.116(a).

#### *Claim Rejections - Novelty*

In the Office Action the Examiner rejects the claims as follows:

Claims 21-22, 30-31, 39-40, 47-48, are rejected under 35 U.S.C. 102(e) as being anticipated by Ahuja et al. 5,471,318.

As per claim 21, Ahuja teaches a multimedia collaboration system comprising:

a plurality of workstations [fig.1 #12, #141];

AV capture tools [fig.2 Video manager 43, Audio Manager 44], at each workstation, configured to capture voices and images of users;

an AV network [network 10, servers 54 and 58], in communication with the workstation, over which audio and video signals can be carried;

a data network [network 10, server 50], in communication with the workstations, over which data signals, representing visual information other than captured images, can be carried;

reproduction facilities [managers 40, 42, 44], at each workstations, configured to reproduce one or more of the visual information and voices and/or images; and

a storage system configured to store data, audio and/or video signals that can be subsequently retrieved [col.12 lines 36-50].

As per claim 22, Ahuja teaches the visual information is a snapshot [col.12 line 44 "video recording of selected part ..."], information associated with an application program [col.12 line 44 "...store certain information related to computer program..."], a real-time display of video images [a conference].

As per claim 30-31, 39-40, 47-48, they are rejected under similar rationales as for claim 21-22 above.

Independent claims 21, 30, 39 and 47 have been amended to include a synchronization limitation. As per the Examiner's comment with respect to claim 23 (quoted below),

Ahuja does not teach synchronization. Accordingly, a § 102(e) rejection of the currently

amended independent claims can no longer stand. This rejection is, therefore, deemed overcome.

### ***Claim Rejections – Obviousness***

**The Examiner rejects other claims as being obvious, as follows:**

**Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja and further in view of Koval et al. US patent 5,333,299.**

As per claim 23, Ahuja does not teach how to synchronize the signals when playback. Hence, one of ordinary skill in the art would have been motivated to look for teaching to synchronize the signals. Koval teaches a multimedia streams playback method using one stream as master for synchronizing other streams. It would have been obvious for one of ordinary skill in the art to use Koval teaching with Ahuja because it would have enable synchronized playback of the various recorded signals.

As per claim 24, it is apparent the system as modified would have time code recorded with the signals in order to synchronize the playback.

The Examiner's obviousness rejection of claim 23 above could now apply to claim 21 as amended claim 21 includes a synchronization limitation. The same applies to the remaining independent claims 30, 39, and 47. Accordingly, the following comments apply to all four independent claims.

Applicant respectfully disagree that it is obvious to combine Ahuja and Koval. It is, in fact, not technically possible to do so and this obviousness rejection can, therefore, not be sustained.

Ahjuja teaches the concept of conducting a videnconference in a "virtual conference room." During a conference, in which video, audio and data are exchanged amongst participants, three different servers (one for video, one for audio and one for data) must be "allocated" to the virtual conference room. These are three clearly separate servers. See Col. 3 lines 31-55 and Col. 7 lines 21-65 and the Connection Topology shown in Figure 1.

Furthermore, and very importantly, a careful reading of Ahuja column 12, lines 10 to 50 (part of which is cited by the Examiner) reveals that video, audio, and data are stored by Ahuja on separate, not on the same server. This flows naturally from the fact that Ahuja's media bridge 160 only a single media type (video, audio, or data device). This bridge communicates with a single storage server 164. When the media bridge is a video bridge, the storage device 164 is a video storage, not a video plus audio plus data server.<sup>1</sup> Thus, each storage device (server) is also a single media type device.

Thus, in Ahuja, video, audio and data are handled totally separately. There is absolutely no teaching or suggestion that these different servers can be combined or synchronized in any way.

In stark contrast, Koval teaches a synchronization mechanism that relies on a confluent stream of data. This is clear from Figure 2 and the description starting in Col. 6 line 20 of Koval. This mechanism is totally incompatible with the multiple separate (divergent) server environment of Ahuja. This is particularly so when the Ahuja video server is managing multiple video sources, the audio server, managing multiple audio sources, etc. Simply put, these systems cannot be combined.

It is, therefore, submitted that the Examiner has not overcome the burden of showing that the claimed combination has a reasonable expectation of success. Indeed, there can be no expectation of success with two incompatible systems. In this regard, the Examiner is reminded of the directive from the MPEP that "[T]he teaching or suggestion to make the claimed combination and the reasonable expectation of success *must both be found in*

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<sup>1</sup> "For example, the storage device 164 may store certain video information...where the media bridge 160

the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."<sup>2</sup> Applicants respectfully suggest that, for the reasons given above, the MPEP mandated reasonable expectation of success cannot be found in either or both Ahuja and Koval.

Furthermore, the MPEP specifically states: "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)."<sup>3</sup>

This burden has not been met by the Examiner. In an attempt to provide the required "convincing line of reasoning" the Examiner is of the opinion that one "would have been motivated to look for teaching to synchronize the signals." This, it is suggested, does not rise to the required "convincing line of reasoning."

But, even if it did, the question is not whether one would have looked for synchronization methods, but whether one would have looked for synchronization in video conferencing. There is no suggestion in Ahuja that synchronization is an issue or a problem that needs to be solved. Furthermore, there is no suggestion in Koval that the technology can be applied to video conferencing, the art area of Ahuja. Thus, there is no logical connection between the video conferencing storage system of Ahuja and the synchronization system

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is a video bridge." Col. 12, lines 39 to 43.

of Koval. Accordingly, Applicants fail to see how anyone skilled in the art would wish to combine Ahjua and Koval.

It is, therefore submitted that independent claims with the synchronization limitation are patentable.

As to the remaining rejected claims under their rejection, Applicants submit that these are dependent on allowable independent claims and, therefore themselves allowable.

The Examiner has also rejected claims 25 to 29 as follows:

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja and Koval and further in view of Maeno "Distributed Desktop Conferencing System".

As per claim 25, Ahuja does not specifically disclose annotation tools. It is well known in collaborative conferencing art to have annotation tools. Maeno teaches a conferencing system with Antonio tools for annotating the visual information [p.0522]. It would have been obvious for one of ordinary skill to use Maeno teaching with Ahuja because it would have enable the conference attendee to collaborate and interact with the visual information.

As per claim 26, Maeno teaches sharing of visual information [p.0522].

As per claim 27, it is well known in the art to retrieve stream data (e.g. Audio, video etc.) by time. It is apparent that the system as modified would have means for retrieving the information using time codes.

As per claim 28, Maeno teaches annotate portions of visual information [p.0522 col.1 last paragraph].

As per claim 29, Maeno teaches user can perform document processing, electronic mailing, etc. during a conference [p. 0523 1<sup>st</sup> col. Section 3.1.3]. Hence, it is apparent that the user can access the stored visual information during a conference.

As per claims 32-38, 41-46, 49-55, they are rejected under similar rationales as for claims 23-29 above.

As before, Applicants submit that these claims are dependent on allowable independent claims and, are therefore themselves allowable.

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<sup>2</sup> MPEP § 706.02(j), p. 700-17.

<sup>3</sup> MPEP § 706.02(j)

Finally, the Applicants wish to draw the Examiner's attention to the fact that both Ahuja and Koval were raised for the first time in this the Final Office Action.

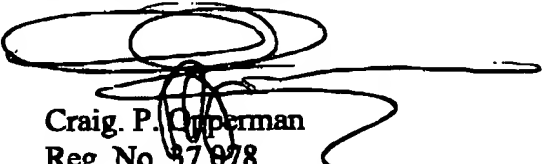
The MPEP specifically directs. "It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond."<sup>4</sup> Applicants submit that they have not been given such opportunity.

Accordingly, Applicants respectfully request that the current claims be allowed, the final rejection be withdrawn, or the Examiner grant an interview to discuss these issues.

### CONCLUSION

In any event, and for the reasons provided above, Applicants respectfully submit that this application is allowable.

Respectfully submitted



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<sup>4</sup> MPEP § 706.02(j)